

ORDINANCE NO. 2001 - 099

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2001-030, KNOWN AS THE “CRIME PREVENTION FUND ORDINANCE” CREATED PURSUANT TO SECTION 775.083(2), FLORIDA STATUTES; PROVIDING FOR THE COURT’S DISCRETION IN THE IMPOSITION OF FINES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature enacted Section 775.083(2), Florida Statutes, authorizing counties to adopt an ordinance to provide funding of crime prevention programs through the assessment of an additional fine; and

WHEREAS, Palm Beach County adopted such an ordinance; and

WHEREAS, the assessment of an additional fine is discretionary with the Court.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1.

Section 2 A. and 2 B. of Ordinance No. 2001-030 pertaining to the assessments imposed is hereby amended as follows:

A. A Crime Prevention Program Fund shall be established as per Section 775.083(2), Florida Statutes. In addition to any other fine, penalty, or cost imposed by Section 775.083(1) Florida Statutes, or any other provision of law, the court may assess a fine upon any person who, with respect to a charge, indictment, or prosecution commenced in Palm Beach County, pleads guilty or nolo contendere to,

1 or is convicted of or adjudicated delinquent for, a felony, a misdemeanor, or a
2 criminal traffic offense under state law, or a violation of any municipal or county
3 ordinance if the violation constitutes a misdemeanor under state law.

4 B. The fine shall be \$50.00 for a felony and \$20.00 for any other offense.
5 When the defendant enters the plea or is convicted or adjudicated, in a court in Palm
6 Beach County, the court may order the defendant to pay such fine if the court finds
7 that the defendant has the ability to pay the fine and that the defendant would not be
8 prevented thereby from being rehabilitated or making restitution.

9 **Section 2. REPEAL OF LAWS IN CONFLICT:**

10 All local laws and ordinances in conflict with any provisions of this Ordinance
11 are hereby repealed to the extent of such conflict.

12 **Section 3. SEVERABILITY:**

13 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance
14 is for any reason held by the Court to be unconstitutional, inoperative, or void, such
15 holding shall not affect the remainder of this Ordinance.

16 **Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

17 The provisions of this Ordinance shall become and be made a part of the Code
18 of Laws and Ordinances of Palm Beach County, Florida. The sections of this
19 Ordinance may be renumbered or relettered to accomplish such, and the word
20 "ordinance" may be changed to "section", "article", or other appropriate word.

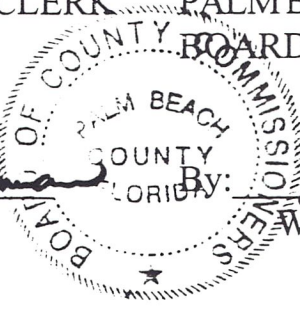
21 **SECTION 5. EFFECTIVE DATE:**

22 The provisions of this Ordinance shall become effective upon filing with the
23 Department of State.

24 APPROVED and ADOPTED by the Board of County Commissioners of Palm
25 Beach County, Florida, on this the 18 day of December, 2001.

DOROTHY H. WILKEN, CLERK, PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: Rinda C. Hickman Deputy Clerk
By: Warren H. Newell Chairman



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: Dawn S.
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 28th day of
December, 2001.

G:\COMMON\ATTY\WPDATA\ENVIR\LYakovakis\DAWN\ORDINANC\crimepre.fin.ord.wpd

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 18, 2001.
DATED at West Palm Beach, FL on 1/28/02.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.